

REMARKS

Claims 1-10 are currently pending in the present application.

Rejection under 35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith et al.* (US 2002/0016639) in view of *Hodge* (US 6,715,141), *Hibdon* (US 2002/01293411) and *Andrews et al.* (US 5,768,564). Applicant respectfully traverses such rejection.

According to Claim 1 (and similarly Claim 6), if an identifier token matches a macro identifier stored in a symbol table, then five consecutive steps will be performed, and they are "replacing said identifier token with a macro form token corresponding to said identifier token from said symbol table," "sending said macro form token to a glue routine," "invoking a macro invocation parser by said glue routine," "transferring tokens to said macro invocation parser via said glue routine until a completion of said macro invocation," and "sending a macro body definition of said macro to a lexer by said macro invocation parser."

On pages 7-9 of the Final Office Action, the Examiner asserts that only the claimed replacing step is disclosed by *Smith* but the remaining four of the above-mentioned five claimed steps are disclosed by *Hodge*, *Hibdon* and *Andrews*. In other words, the Examiner has cited three separate references to reject four of the above-mentioned five claimed steps. In response to Applicant's suggestion that the Examiner had not provided any motivation from any of the cited references for modification, and that the Examiner might have reconstructed the claimed invention from the prior art by using Applicant's claim as a "blueprint," the Examiner asserts on page 4 of the Final Office Action that such reconstruction is proper "so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure."

However, according to § 2143.01 of the MPEP, a "statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all

aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the reference." See also *Al-Site Corp. v. VSI Int'l Inc.*, 50 USPQ2d 1161 (Fed. Cir. 1999). Since the Examiner simply asserts that the modifications of the prior art would have been well within the ordinary skill of the art at the time the claimed invention was made, the Examiner has not provided sufficient reasons for the combining the cited references to render the claimed invention obviousness.

In addition, the problem the claimed invention attempts to resolve is related to a pre-processor because most modern pre-processors are ill-suited for processing assembly language source code. Specifically, the problem lies upon the fact that a macro form must be known before defining the language processing rules for the pre-processor, yet the macro form is not actually determined until the source code is being read by the pre-processor (a more detailed description of the problem can be found on pages 2-3 of the specification). Hence, Claim 1 recites a method for processing macros of varying grammatical invocation by a pre-processor, and Claim 6 recites a computer program product for processing macros of varying grammatical invocation by a pre-processor.

According to § 2141.01(a) of the MPEP, the Examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Since none of the cited references is related to a pre-processor or assembly programming, and none of the cited references can be reasonably pertinent to the particular problem with which Applicant was concerned, the cited references cannot be considered as analogous art for the purpose of obviousness rejection.

Furthermore, Claim 1 recites steps of "invoking a macro invocation parser by said glue routine," "transferring tokens to said macro invocation parser via said glue routine until a

completion of said macro invocation" and "sending a macro body definition of said macro to a lexer by said macro invocation parser." It is clear that *Smith* does not mention the term "macro invocation parser" and the term "lexer." But since the claimed transferring step calls for a macro invocation parser to receive tokens, and the claimed sending step calls for a lexer to receive a macro body definition from the macro invocation parser, the Examiner has to show that *Smith* teaches or suggests the equivalent functionalities of the claimed macro invocation parser and the claimed lexer. Such teachings or suggestions are not found in *Smith*.

Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is believed to be overcome.

CONCLUSION

Claims 1-10 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1 and 6 along with their respective dependent claims are in condition for allowance.

No fee or extension of time is believed to be necessary; however, in the event that any addition fee or extension of time is required for the prosecution of the present application, please charge it against IBM Deposit Account No. 50-0563.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
DILLON & YUDELL, LLP
8911 N. Capital of Texas Hwy., suite 2110
Austin, Texas 78759
(512) 343-6116

ATTORNEY FOR APPLICANT